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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,025	12/17/1999	PATRICK A. RAYMOND	27757-00414	9687

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EXAMINER

HUYNH, KIM T

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 05/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/466,025

Applicant(s)

RAYMOND ET AL.

Examiner

Kim Huynh

Art Unit

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-9 and 12-18 rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al U.S Patent 5,365,383

3. Miller et al discloses: a computer system comprising :

- An electromagnetic energy source (fig. 1a, 14) located on a first side of a system board (fig. 1a, 1) proximate an connector, the electromagnetic energy source for generating electromagnetic energy directed at least toward a second opposing side of the system board (fig. 1a, 22); and
- An electromagnetic energy detector (fig. 1a, 12) located on the second side of the system board the electromagnetic energy detector for detecting a presence of electromagnetic energy when a hot-pluggable component (fig. 1a, 8) is not mated to the connector and the electromagnetic energy is thereby unobstructed by the hot-pluggable component, the electromagnetic energy detector further for detecting an absence of electromagnetic energy when the hot-pluggable is mated to the connector and the electromagnetic energy is thereby obstructed (col. 5 line 51-53) by the hot-pluggable component. (col. 4 lines 58-col. 5, line 65)

- A processor (fig. 1a, 2) for communicating with the electromagnetic energy detector for receiving the detection of the presence or absence of electromagnetic energy by the electromagnetic energy detector.
- A hard drive (fig. 1a, 3) for storing an indication that the hot-pluggable component is absent when the presence of electromagnetic energy is detected, the hard drive further for storing an indication that the hot-pluggable component is absent when the absence of electromagnetic energy is detected.
- The electromagnetic energy is infra-red energy magnetic energy (col.5, lines 31-38) or ultrasonic energy.
- The connector is one of an edge connector, a cable connector, a fibre channel connector and a USB connector (fig. 1a, 15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al U.S Patent 5,365,383
6. Miller et al discloses the claimed inventions as discussed above for claims 1-9 and 12-18, which show first source and first detector. However, Miller fails to show a 2nd source and a 2nd detector. The additions of a 2nd source and detector is a mere

duplication of parts producing no new and unexpected result and therefore has no patentable significance. See MPEP 2144.04 VI B, and *In re Harza*, 274 F.2d 669, 124 USPQ 378(CCPA 1960). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a 2nd source and 2nd detector into Miller et al. in order to ensure the accurate detection of a component in the event that one of the detectors is faulty or incorrect.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Kim Huynh, whose telephone number is (703)305-5384 or via e-mail addressed to [kim.huynh3@uspto.gov]. The examiner can normally be reached on Monday-Friday from 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Wong, can be reached on (703)305-3477 or via e-mail addressed to [Peter.Wong@uspto.gov]. The fax number for this Group is (703)746-9224.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

Kim Huynh

April 21, 2002


PETER WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100